

REMARKS

Claims 3-8, 10, 11, 13-16, 18-25, 28, 30, 32-35, 37-40, and 42-45 are currently pending in this application. Independent claims 25, 28, 30, 38, and 42 have been amended to further clarify certain features of these claims: if a self-extracting file (which contains an address of a location for saving scanning data) is executed by a computer, the address is extracted or otherwise obtained from the self-extracting file. Support for these amendments may be found, for example, at page 8, lines 26-31 of the Specification (describing how the self-extracting file extracts the address). Because these amendments merely make explicit what was previously implicit in the claims, they do not raise new issues that would require further consideration and/or search, and do not raise the issue of new matter. Furthermore, these amendments will place the application in better form for appeal by simplifying the issues for appeal. Accordingly, the applicant respectfully submits that these amendments to the claims should be entered.

In the Final Office Action mailed June 11, 2009, pending claims 3-8, 10, 11, 13-16, 18-25, 28, 30, 32-35, 37-40 and 42-45 were rejected. More specifically, the status of the application in light of this Office Action is as follows:

(A) Claims 3, 4, 10, 11, 13, 14, 19-23, 25, 28, 30, 32-35, and 38-40 were rejected under 35 U.S.C. § 103(a) over the combination of U.S. Patent No. 6,594,690 to Cantwell ("Cantwell") and U.S. Patent No. 6,459,499 to Tomat ("Tomat");

(B) Claims 5-8, 15, 16, 18, and 37 were rejected under 35 U.S.C. § 103(a) over the combination of Cantwell, Tomat, and U.S. Pat. No. 6,785,805 to House et al. ("House");

(C) Claim 24 was rejected under 35 U.S.C. § 103(a) over the combination of Cantwell, Tomat, and U.S. Pat. No. 5,587,533 to Schneider et al. ("Schneider"); and

(D) Claims 42-45 were rejected under 35 U.S.C. § 103(a) over the combination of U.S. Pat. No. 7,120,910 to Matsuda et al. ("Matsuda") and Cantwell.

A. Response to the Section 103(a) Rejection of Claims 3, 4, 10, 11, 13, 14, 19-23, 25, 28, 30, 32-35, and 38-40 (Cantwell and Tomat)

Claims 3, 4, 10, 11, 13, 14, 19-23, 25, 28, 30, 32-35, and 38-40 were rejected under 35 U.S.C. § 103(a) over the combination of Cantwell and Tomat. As set forth below, the applied references cannot support a Section 103 rejection of claims 3, 4, 10, 11, 13, 14, 19-23, 25, 25, 28, 30, 32-35, and 38-40 for at least the reason that these references fail to teach or suggest all the claimed features.

Independent claim 25, for example, recites a destination selection system that is "configured to insert a destination address of the selected location for saving said scanning data in a self-extracting executable file." Applicant has amended claim 25 to explicitly recite what was previously implied in claim 25: "wherein the destination address is extracted from the self-extracting executable file if the self-extracting executable file is executed by said computer." As previously noted, this amendment does not raise new issues that would require further consideration and/or search, and does not raise the issue of new matter.

The applicant respectfully submits that these features are neither taught nor suggested by the applied references. The Office Action asserts that Tomat describes these features at Figure 7, block 133. (Office Action, pp. 4 and 5.) The applicant respectfully disagrees with this assertion. In fact, Figure 7 of Tomat illustrates an add/edit profile window that allows a user to add or edit their profile. (Tomat, col. 9, lines 26-30.) Tomat describes that a user can specify a temporary file location and other aspects of an image file in block 133 as part of their user profile 50. (*Id.* at col. 9, lines 48-59 and col. 10, lines 12-25.) Tomat further describes that the user profiles 50 are stored on a fixed disk 15 of a computer system 2 to which the scanner 1 is attached. (*Id.* at col. 9, lines 6-9; *see also* Tomat, Figure 2.) Alternately, the user profiles 50 are stored on a network disk 83 attached to a server 68. (*Id.* at col. 9, lines 15-20; *see also* Tomat, Figure 3.) Because the specified file location is part of the user profile 50 and the user profiles 50 are stored on a disk, the specified file location is also stored on a disk. Because Tomat only describes storing a specified file location on a disk, Tomat

does not teach or suggest inserting an address of a location in a self-extracting executable file. Tomat also does not teach or suggest extracting the address of the location from the self-extracting executable file. Accordingly, Tomat fails to teach or suggest a destination selection system that is "further configured to insert a destination address of the selected location for saving said scanning data in a self-extracting executable file," or "wherein the destination address is extracted from the self-extracting executable file if the self-extracting executable file is executed by said computer," as recited in claim 25. Moreover, Cantwell fails to cure the deficiencies of Tomat to support a Section 103 rejection of claim 25. For at least these reasons, the Section 103 rejection of claim 25 should be withdrawn.

Claims 3, 4, 10, 11, 21, 32, and 33 depend from base claim 25. Accordingly, the Section 103 rejection of dependent claims 3, 4, 10, 11, 21, 24, 32, and 33 should be withdrawn for at least the foregoing reasons, and for the additional features of these dependent claims.

Independent claims 28, 30, and 38, as amended, recite several features generally similar to those of claim 25 (e.g., inserting an address of a selected location for saving scanning data in a self-extracting file, and that the address is extracted from the self-extracting file). Accordingly, claims 28, 30, and 38 are patentable over Cantwell and Tomat for at least the reasons discussed above with respect to claim 25, and for the additional features of these independent claims. Therefore, the Section 103 rejection of claims 28, 30, and 38 should be withdrawn.

Claims 13, 14, 22, and 23 depend from base claim 28, claims 19, 20, 34, and 35 depend from base claim 30, and claims 39 and 40 depend from base claim 38. Accordingly, the Section 103 rejection of claims 13, 14, 19, 20, 22, 23, 34, 35, 39, and 40 should be withdrawn for at least the foregoing reasons, and for the additional features of these dependent claims.

B. Response to the Section 103(a) Rejection of Claims 5-8, 15, 16, 18, and 37 (Cantwell, Tomat, and House)

Claims 5-8, 15, 16, 18, and 37 were rejected under 35 U.S.C. § 103(a) over the combination of Cantwell, Tomat, and House. Claims 5-8 depend from base claim 25, claims 15 and 16 depend from base claim 28, claim 18 depends from base claim 30, and claim 37 depends from base claim 38. House is relied on in the Office Action for describing "a login system adapted to enable said user to access said driver selection system following establishing an identity of the user." (Office Action, p. 8.) Even assuming for the sake of argument that this is correct (and the applicant expressly does not), House fails to cure the above-noted deficiencies of Cantwell and Tomat to support a Section 103 rejection of base claims 25, 28, 30, and 38. Accordingly, claims 5-8, 15, 16, 18, and 37 are allowable over the combination of Cantwell, Tomat, and House for at least the reason that these references, either alone or in combination, fail to disclose or suggest the features of claims 25, 28, 30, and 38, and the additional features of these dependent claims. Therefore, the Section 103 rejection of dependent claims 5-8, 15, 16, 18, and 37 should be withdrawn.

C. Response to the Section 103(a) Rejection of Claim 24 (Cantwell, Tomat, and Schneider)

Claim 24 was rejected under 35 U.S.C. § 103(a) over the combination of Cantwell, Tomat, and Schneider. Claim 24 depends from base claim 25. Schneider is relied on in the Office Action for describing "scanned data that is stored under a user defined file name and the user is queried if the scanned data is to be saved or not." (Office Action, p. 10) Even assuming for the sake of argument that this is correct (and the applicant expressly does not), Schneider fails to cure the above-noted deficiencies of Cantwell and Tomat to support a Section 103 rejection of base claim 25. Accordingly, dependent claim 24 is allowable over the combination of Cantwell, Tomat, and Schneider for at least the reason that these references, either alone or in combination, fail to disclose or suggest the features of corresponding base claim 25, and the additional features of this dependent claim. Therefore, the Section 103 rejection of dependent claim 25 should be withdrawn.

D. Response to the Section 103(a) Rejection of Claims 42-45 (Matsuda and Cantwell)

Claims 42-45 were rejected under 35 U.S.C. § 103(a) over the combination of Matsuda and Cantwell. As set forth below, the applied references cannot support a Section 103 rejection of claims 42-45, for at least the reason that these references fail to teach or suggest all the claimed features. For example, independent claim 42, as amended, recites "providing the selected scanner driver to the second computer, wherein providing the selected scanner driver to the second computer includes providing the selected scanner driver as a self-extracting file to the second computer, wherein the selected location is provided in the self-extracting file, and wherein the self-extracting file, if executed by the second computer, extracts the selected location." According to the Office Action, Cantwell describe these features at col. 2, lines 54-58. (Office Action, p. 12.) The applicant respectfully disagrees with this assertion.

Cantwell actually describes that the user's browser browses a website containing drivers for a device. (Cantwell, col. 2, lines 20-27.) The browser downloads and executes executable code, which installs any required software on the user's client. (*Id.* at col. 2, lines 45-48.) The executable code then spawns a setup and configuration utility on the client, and information about the device is communicated to the executable code. (*Id.* at col. 2, lines 54-56.) The executable code uses this information to select a driver for the device. (*Id.* at col. 3, lines 3-7.) Once a driver is selected, it is downloaded and installed. (*Id.* at col. 3, lines 8-10.) Based on the undersigned's review of Cantwell, this reference contains no teaching or suggestion that the driver is provided as a self-extracting file. Moreover, Cantwell does not teach or suggest selecting a location for storing scanning data. Accordingly, Cantwell does not teach or suggest providing a selected location for storing scanning data in a self-extracting file, or extracting the location from the self-extracting file. Applicant respectfully notes that the Office Action acknowledged that Cantwell does not teach or suggest similar features recited in claim 25. (See Office Action, p. 4, stating that Cantwell does not disclose a destination selection system configured to insert a destination address of a selected location for saving scanning data in a self-extracting executable file.) Moreover,

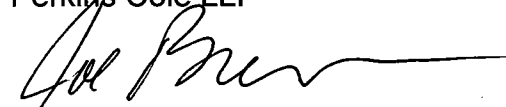
Matsuda fails to cure the deficiencies of Cantwell to support a Section 103 rejection of claim 42. For at least these reasons, the Section 103 rejection of claim 42 should be withdrawn.

Claims 43-45 depend from base claim 42. Accordingly, the Section 103 rejection of dependent claims 43-45 should be withdrawn for at least the foregoing reasons, and for the additional features of these dependent claims.

Conclusion

In view of the foregoing, the pending claims comply with the requirements of 35 U.S.C. § 112 and are patentable over the applied art. The applicants accordingly request reconsideration of the application and a mailing of a Notice of Allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to contact Joseph F. Brennan at (206) 359-6065.

Respectfully submitted,
Perkins Coie LLP



Joseph F. Brennan
Registration No. 62,403

Date: August 11, 2009

Correspondence Address:

Customer No. 25096
Perkins Coie LLP
P.O. Box 1247
Seattle, Washington 98111-1247
(206) 359-8000